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BILLINGS DIV.
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

DUBRAY LAND SERVICES, INC.)	
and JAMES DUBRAY,)	CV-05-130-BLG
)	
Plaintiffs,)	
vs.)	
)	ORDER ADOPTING
SCHRODER VENTURES U.S., ANDREW)	FINDINGS AND
GASPAR, NICHOLAS SOMERS, and)	RECOMMENDATION
W. MONTAGUE YORT, MESA)	
COMMUNICATIONS GROUP, LLC,)	
MESA HOLDING CO., and JOHN DOES 1-10,)	
)	
Defendants.)	
_____)	

On June 14, 2007, United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends that Defendants SV Investment Partners, LLC,¹ Andrew Gaspar, Nicholas Somers, W. Montague Yort, and Mesa Holding Co.'s (hereinafter "SVIP Defendants") Motion to Dismiss Pursuant to F.R.Civ.P. 12(b) be granted.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Plaintiffs filed objections on June

¹SV Investment Partners LLC indicates in its submissions that it is incorrectly named Schroder Ventures US in this action.

20, 2007. Defendants responded to Plaintiffs' objections on July 5, 2007. Plaintiffs' objections are not well taken.

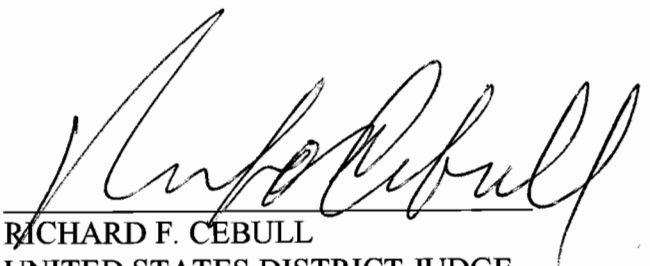
After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Ostby are well grounded in law and fact and **HEREBY ORDERS** they be adopted in their entirety.

Magistrate Judge Ostby recommended that all three of Plaintiffs' claims against the SVIP Defendants be dismissed. Plaintiffs do not object to the recommendation that their abuse of process and bad faith insurance claims be dismissed; they object only to Magistrate Ostby's recommendation that Plaintiffs' claim for intention and negligent infliction of emotion distress be dismissed. Magistrate Judge Ostby's recommendation for dismissal is well-supported and consistent with this Court's previous decision on the same issue concerning Mesa Communications.

Accordingly, **IT IS HEREBY ORDERED** that the SVIP Defendants' Motion to Dismiss [doc. #32] is **GRANTED**.

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED this 13 day of July, 2007.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE